

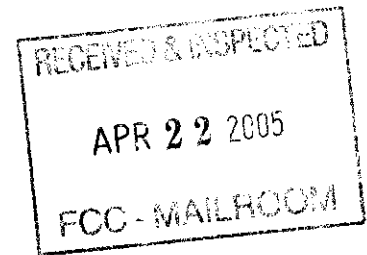
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DEPARTMENT OF INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS

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ORIGINAL



April 18, 2005
Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 04-36

Dear Sirs:

This letter is written in response to a Notice Of Ex Parte Meeting letter, dated April 7, 2005, submitted on behalf of Vonage Holdings Corp. ("Vonage") (the "Vonage Letter") in the above captioned proceeding. The City of New York ("the City") writes to take issue with some of the matters expressed in the Vonage Letter and to strenuously urge the Commission *not* to take the actions requested in the penultimate paragraph of the Vonage Letter as such actions would be significantly inconsistent with the public interest and indeed, public safety.

The City encourages the use and development of new telecommunications technologies, and has historically been at the forefront of advancing competition and innovation in such fields as broadband fiber optic services and wireless voice and data services. The City is enthusiastic and supportive of the concept of using packet switching, TCP/IP, and other elements of Internet hardware and software infrastructure to provide a competitive and efficient new format for voice communications transmission and delivery. The City is currently taking a national leadership role in working with Vonage and others (including Verizon and the technology consultant Intrado) to develop a solution that would allow VOIP providers to provide their subscribers access to the City's 911 emergency response system. It has been represented to the City by Intrado that such a solution will be activated in New York City by July 7, 2005, and it may be that, and it is the City's hope that, such a New York City-based solution can serve as a model for 911 service to VOIP subscribers around the country. *However, pending implementation of an acceptable solution for VOIP access to 911 systems, the routing by VOIP providers of 911-dialed calls to administrative desks at 911 calling centers is unacceptable and hazardous, and the Commission should do nothing to protect, allow or assure the continuation of this unsafe routing practice.*

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The City's 911 infrastructure receives, on average, about 30,000 calls a day. In order to handle this load, the City utilizes a sophisticated system of call routing to trained 911 operators, including display of automated location and number information, which system allows the City to respond appropriately to emergency calls. As of the date of this letter, Vonage and a number of other VOIP providers are, without any permission or authorization from the City, routing subscribers who dial 911, and who the provider's records indicate are located in the City, not to this sophisticated 911 system but rather to a ten-digit number that connects to a single phone sitting on an administrative desk. The only relationship of this phone to the City's 911 system is that the desk happens to be located physically in the building where the City's main 911 call center is also located¹. This phone is not equipped in any respect to serve an emergency response or public safety purpose. Calls to this phone may be subject to busy signals when the phone is in use, cannot be routed to an available call taker through the 911 queuing system and may not be answered at all if the desk is not attended at a particular time. This phone is not in any event attended by a trained 911 call taker and is not capable of receiving or displaying the kind of automated location and number information that enables appropriate 911 response.

In short, and contrary to a statement in the Vonage Letter, this administrative number does not, in the case of New York City at least, "serve an important public safety function". Indeed the practice by Vonage and others of routing subscribers dialing 911 to an administrative number at the PSAC is *detrimental* to public safety because it may lead subscribers to believe, and act in reliance on, an incorrect assumption that by dialing 911 using Vonage or similar service they will receive an adequate emergency response. The City has repeatedly advised Vonage, both directly and through its contractor Intrado, that it is *not* authorized to route subscribers dialing 911 to an administrative number at the City's PSAC and that such routing is hazardous to subscribers.

The City strongly urges the Commission *not* to take any action, and *not* to make any statement, requiring or encouraging emergency responders to continue accepting emergency calls routed to administrative desks located at PSAC facilities. Any such action or statement would implicate the Commission in reinforcing the dangerous misconception that such routing can serve an adequate emergency response function. If the Commission wishes to take any action on this issue, it should instead be a clear and forceful warning to VOIP subscribers that until their VOIP service provider is actually routing 911 calls to full service 911 systems, such subscribers must for their own safety keep available, and use in emergencies, an alternative phone service that does route calls to full service 911 systems. The Commission should also, as the City is already doing, advise VOIP providers that they are placing their subscribers at risk by routing 911-dialed calls to administrative desks, and that in, lieu of such practice, subscribers should be directed (prominently and repeatedly) by their VOIP service providers to keep an additional phone service available for use in emergencies.

The City reiterates its commitment to supporting new communications technologies such as VOIP. We eagerly look forward to the promised, ground-breaking implementation of 911 service for VOIP users here in the City by July 7 of this year. But the routing by VOIP providers of 911-dialed calls to an administrative desk, even as an interim approach, is anti-innovation,

¹ Such call centers are often referred to as "public safety answering points" or "public safety answering centers" -- "PSAPs" or "PSACs".

anti-technology and downright dangerous, and the Commission should do nothing to encourage it, and certainly nothing to mandate it. To the contrary, the Commission should act to discourage it.

The City would be happy to discuss this matter further with the Bureau or the Commission at any time.

Sincerely,

The City of New York

By: 

Gino P. Menchini

Commissioner, New York City Department of Information
Technology and Telecommunications

By: 

Inspector Charles F. Dowd

Commanding Officer, Communications Division/NYC E-911,
New York City Police Department

cc: Honorable Kevin J. Martin, Chairman, FCC
Honorable Kathleen Q. Abernathy, Commissioner, FCC
Honorable Michael J. Copps, Commissioner, FCC
Honorable Jonathan S. Adelstein, Commissioner, FCC
Thomas Navin, FCC, Wireline Competition Bureau
Michelle Carey, FCC, Wireline Competition Bureau
Terri Natoli, FCC, Wireline Competition Bureau
Julie Veach, FCC, Wireline Competition Bureau
Tim Stelzig, FCC, Wireline Competition Bureau
Carol Simpson, FCC, Wireline Competition Bureau
Nicholas Alexander, FCC, Wireline Competition Bureau
Christi Shewman, FCC, Wireline Competition Bureau
Takeo Iijima, FCC, Wireline Competition Bureau